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Promotion and protection of the rights of children

Third Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Monday, 30 October 2006, at 10 a.m.

Chairman: Mr. Al Bayati ..... (Iraq)

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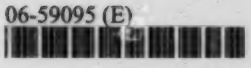

The meeting was called to order at 10.15 a.m.

Agenda item 63: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/61/L.16)

Draft resolution A/C.3/61/L.16: Rights of the child

1. **Ms. Pi** (Uruguay), speaking on behalf of the sponsors, introduced draft resolution A/C.3/61/L.16, which included a special section on children and poverty. The paragraphs on violence against children focused on the findings of the United Nations study on violence against children and encouraged Member States, United Nations entities, regional entities and civil society to disseminate and follow up on the study. It was hoped that the draft resolution would be adopted by consensus to demonstrate the common commitment to the promotion and protection of children.

2. **The Chairman** announced that Albania, Andorra, Belarus, the Congo, Moldova, Monaco and Morocco had become sponsors.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280; A/C.3/61/5)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and 513)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 349, 360, 369, 369/Corr.1, 374, 469, 470, 475, 489, 504 and 526)

3. **Mr. Tulbure** (Moldova) said that his Government continued to implement a national human-rights action plan as well as a cooperation plan with the European Union encompassing human rights. Since joining the United Nations 10 years before, the Government of Moldova had updated its national legal instruments in accordance with European standards and had ratified 57 human-rights treaties.

4. The Government was concerned at the ongoing violation of human rights in the Transnistrian region of the country and, in particular, the arbitrary detention of two members of the Ilaşcu Group. To date, the Russian Federation had not implemented the decision of the European Court of Human Rights calling for the prisoners' release. Despite criticism from NGOs and international organizations, prison conditions in the region had not improved in recent years and the de facto authorities reportedly continued to use torture.

5. Other issues of concern included lack of freedom of religion, expression, assembly and association. A number of religious groups had been denied the right to register and the de facto authorities controlled most of the print and electronic media. In 2004, a number of schools using Latin script had been closed; although most had been reopened following an international outcry, one of the high schools in Rîbniţa remained closed.

6. Residents of the Transnistrian region were not permitted to elect their leaders democratically or participate freely in Moldovan elections. Opposition politicians were continually harassed and candidates had been banned from contesting all elections between 1996 and 2005. The Organization for Security and Cooperation in Europe had declared that democratic elections could not take place under such circumstances and had therefore refused to monitor them.

7. In addition, the International Organization for Migration and other international organizations had indicated that human trafficking remained a serious problem for women from the Transnistrian region as well as for women from other countries who were transported through Moldova.

8. The international community had a duty to intervene when a State was unable to redress human-rights violations, including in zones where there were protracted or frozen conflicts. He hoped the Human Rights Council would be able to take action to end human-rights violations wherever they occurred.

9. **Ms. Banzon** (Philippines) said that her Government had recently passed a law abolishing the death penalty, thereby enabling it to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty. It had also created a national task force and an independent commission to investigate

reports of human-rights violations, particularly those directed at political figures, media personnel and human-rights defenders.

10. The Philippine Government welcomed the adoption by the Human Rights Council of the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. While States might have different ways of understanding some of the provisions, it was significant that enforced disappearances and rights of indigenous peoples had been identified as priority human-rights issues.

11. National consultations regarding visits by several Special Rapporteurs had been stepped up. In that regard, the Government was pleased to announce that it would invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the Philippines in early 2007.

12. The increasing vulnerability of migrants to human-rights violations was an issue of great concern. All countries felt the impact of migration to some extent and such violations could destabilize society. The Government was confident that the Committee would use its influence to mainstream respect for the human rights of migrants in all aspects of United Nations work.

13. **Ms. Banks** (New Zealand) said that the Human Rights Council needed to pay scrupulous attention to the facts and that its working methods should be transparent and inclusive. New Zealand supported the establishment of the universal periodic review, which should be objective and based on an open dialogue with the concerned State.

14. New Zealand remained disturbed at the human-rights abuses in various countries. In violation of four human-rights treaties, the Democratic People's Republic of Korea continued to abuse basic human rights such as the right to security of the person, freedom of movement and freedom of expression. While the Government of that country allocated massive funding to military consolidation and nuclear testing, its people continued to suffer from the deprivation of their basic economic, cultural and social rights. New Zealand called upon the Democratic People's Republic of Korea to engage with the Special Rapporteur and to allow unconstrained access by humanitarian agencies, including the World Food Programme.

15. The Government of Myanmar continued to show an unwillingness to reform and had not yet adhered to the recommendations of the General Assembly and the former Commission on Human Rights. Critical human-rights issues included the rapid rise of HIV/AIDS, limited health services, forced labour and the right to food and education.

16. New Zealand was particularly distressed at the execution of 15 aid workers in Mutthur, Sri Lanka, and called upon all parties involved in the Sri Lankan conflict to declare an immediate ceasefire and commit themselves fully to the upcoming peace talks in Geneva. It urged the Government to conduct a thorough and impartial investigation of all alleged abductions and extrajudicial killings and to guarantee a safe environment for humanitarian workers.

17. In the Darfur region of the Sudan, despite the 2006 Darfur Peace Agreement and international monitoring, systematic human-rights violations continued to occur, including sexual violence against women and children and the abduction of children. New Zealand welcomed the efforts of the African Union Mission in the Sudan to mediate a ceasefire and peace agreement between the parties, and fully supported Security Council resolution 1706 (2006).

18. In Zimbabwe, starvation resulting from economic mismanagement and the politically motivated distribution of food was only part of the abuse and repression perpetrated by the Government. The international community needed to take a united stand in pressing the Government to secure its future and protect the human rights of its people.

19. New Zealand regretted the deterioration of the human-rights situation in the Islamic Republic of Iran, especially with respect to censorship and the execution of minors. It called upon the Government to address human-rights issues, including the treatment of religious and ethnic minorities.

20. **Mr. Oshima** (Japan) said that the United Nations played a key role in setting human-rights standards. Notable successes included the adoption by the Human Rights Council of the International Convention for the Protection of All Persons from Enforced Disappearance and completion of the drafting of the Convention on the Rights of Persons with Disabilities.

21. Although the establishment of the Human Rights Council represented a significant step in mainstreaming human rights in the international community, the Council had not met expectations. It would, Japan hoped, find a way to foster a new spirit of international cooperation in addressing grave violations of human rights. Japan also supported the efforts of the Office of the High Commissioner for Human Rights to strengthen its engagement at the country level and to provide a comprehensive response tailored to the specific situations of the countries concerned.

22. Although democratization and the rule of law had improved significantly in many parts of the world, human rights continued to be violated in a number of countries. Japan was particularly concerned at the abduction of foreign nationals, including Japanese nationals, by agents of the Democratic People's Republic of Korea. Although the authorities had admitted to having abducted Japanese citizens, they had failed to provide satisfactory information regarding their situation. Japan called upon the Government to return the abductees to their homelands immediately and to respond to the concerns set forth in General Assembly resolution 60/173 on the human-rights situation and Security Council resolution 1718 (2006) on the non-proliferation of nuclear weapons.

23. Japan urged the Democratic People's Republic of Korea to accept a visit from the Special Rapporteur on the human-rights situation in that country and to engage in dialogue with the international community.

24. **Ms. Rasheed** (Palestine) said that under the Israeli occupation the Fourth Geneva Convention and other instruments of international law were being constantly and deliberately violated. Even during the most productive years of the peace process, Israel had continued to kill and maim civilians. Over 10,000 Palestinians, including more than 350 children and 120 women, were being held in Israeli prisons or detention centres with extremely limited access to families and to legal representation.

25. Israel continued to confiscate land and had nearly completed the construction of the wall of separation, in violation of the advisory opinion of the International Court of Justice. The occupied Palestinian territories were being severed into isolated enclaves. Palestinians were being displaced and their livelihoods were being destroyed.

26. Excessive force was being applied in Gaza. Civilian infrastructure, homes and institutions of the Palestinian Authority were being destroyed and Palestinian civilians, including democratically elected Palestinian officials, were being detained. Hundreds of families in Gaza had been forced to flee their homes after receiving calls from the Israeli forces to abandon their homes.

27. It was difficult to reconcile Israel's commitment to the rule of law with the human-rights violations being committed against the Palestinian people.

28. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea) said that the international order was characterized by interference in internal affairs and a lack of respect for sovereignty. Certain forces invaded other countries and killed civilians for their own strategic interests. The "war against terrorism" being waged by the United States was in violation of international law and human rights.

29. The Third Committee should denounce such crimes against humanity and especially the criminal behaviour of the United States. However, that was not being done. The practice of invading other countries under the pretext of protecting human rights should be stopped. On numerous occasions, the United States and the United Kingdom had criticized human-rights practices in other countries, then made those countries the subjects of United Nations resolutions, and finally invaded them.

30. There could be no human rights without sovereignty. Double standards and selectivity in dealing with human-rights issues must be changed; discussions of human rights should abide by the principle of consistency.

31. The European Union had been concerned about human-rights violations in the former Yugoslavia, but had refused to address the issue of illegal aggression against Iraq by the United States. It had stated that it would inquire into any violations of human rights committed at any time or in any place, but had remained silent about the killings of civilians in Iraq and the maltreatment and torture of detainees in United States military prisons. The European Union regularly raised the abduction of a few Japanese people, an issue which had already been settled, while keeping silent on the kidnapping and forced conscription of 8 million people by Japan during the Second World War and the system of military sexual slavery instituted by Japan.

32. While not a prosperous country, the Democratic People's Republic of Korea had no social problems such as unemployment, illiteracy, violence and prostitution. The policies of its Government enjoyed the full support of the citizenry.

33. **Mr. Normandin** (Canada) said that human-rights violations must be recognized in order for societies to heal. Accordingly, Canada had recently made a formal apology and granted compensation to Chinese Canadians for the head tax which Chinese immigrants to Canada had at one time been forced to pay. Agreement had been negotiated between the Government of Canada and several aboriginal organizations. The agreement included compensation, an assessment process for claims of sexual or physical abuse and the establishment of a truth and reconciliation commission.

34. Civil society had an important role to play in ensuring accountability. The arbitrary closure of NGOs by States such as Belarus and the possible impact of new Russian legislation on NGOs were cause for concern. Also disturbing was the treatment of journalists in Belarus, Cuba, Eritrea and Ethiopia, while Turkmenistan and the Democratic People's Republic of Korea were characterized by a complete lack of freedom of expression.

35. The human-rights situation in the Islamic Republic of Iran warranted examination by the General Assembly, which would take place during the current session. In Uzbekistan, the violent repression of protesters was a matter of serious concern. China was making progress, but there were continuing violations of civil and political rights. The crackdown on human-rights defenders was worrisome. In Burma, the people suffered under repressive military rule.

36. **Mr. Tin** (Myanmar), speaking on a point of order, said that the official name of his country was Myanmar.

37. **The Chairman** requested all delegations to use only official country names.

38. **Mr. Normandin** (Canada), continuing his statement, said that Canada was deeply concerned by the deteriorating humanitarian, human-rights and security situation in Darfur, where the Janjaweed continued to act with impunity. The Human Rights Council had been unable to reach a substantive outcome on that situation.

39. Canada commended Guatemala, Uganda, Nepal and Sri Lanka, which were cooperating with UNHCR. Canada also applauded the progress made towards a peaceful resolution of Uganda's long-standing conflict. In Chechnya, where the security situation had improved, international organizations were encouraged to strengthen their presence.

40. Canada was very concerned by the deterioration of the humanitarian situation in the Gaza Strip and the West Bank. Israel should expand access to the territories and the Palestinian Authority should take measures to control and prevent violence.

41. In several other countries, some progress could be discerned. In Haiti, the holding of elections was an important step towards the re-establishment of democracy and the rule of law. In Iraq, the election of the first democratically elected government since the fall of Saddam Hussein was a remarkable accomplishment. In Colombia, important steps were being taken towards peace.

42. In Afghanistan, governance, human rights and the rule of law were rightly accorded a prominent place in the Afghanistan Compact, implementation of which should be supported. The decision in Senegal to prosecute Hissène Habré was a step towards ending impunity, as was the transfer of Charles Taylor to the Special Court for Sierra Leone. In Argentina, too, the nullification of amnesty for people involved in the "dirty war" was a milestone in the fight against impunity.

43. Accountability was at the heart of the work of Governments and the United Nations, and they must rise to the challenge, especially in the promotion and protection of human rights.

44. **Mr. Anshor** (Indonesia) hailed recent steps in the area of standard setting, including the adoption by the Human Rights Council of the International Convention for the Protection of All Persons from Enforced Disappearance; he also welcomed the preservation of the system of Special Procedures in the Human Rights Council and the proposal to create a unified standing treaty body, thereby simplifying reporting procedures and enhancing efficiency.

45. Implementation of existing human-rights instruments was a challenge. The same issues arose year after year without tangible progress. Current

approaches should be reviewed and innovative ways of addressing human-rights issues needed to be explored.

46. Lack of national capacity often hampered efforts to enforce human rights. Accordingly, a grant-giving body supporting projects to promote civic education, voter registration, democratic dialogue and access to information should be established within the Human Rights Council. Such a step could help the international community to transcend the perennial politicization of human rights.

47. Renewed thought should be given to the revitalization of the Third Committee. It had a substantive role to play in the field of human rights, with the Human Rights Council playing the leading role.

48. **Mr. Strigelsky** (Belarus) said that the importance of human rights was growing as Member States worked to improve existing human-rights mechanisms. However, such issues were frequently controversial as there were different traditions and cultures involved. Through consultation and dialogue, the Third Committee was seeking to reach important and timely decisions in a spirit of cooperation.

49. The establishment of the Human Rights Council should encourage a more objective and universal approach to human rights within the United Nations system. However, the collaborative spirit favoured by many delegations, including his own, was poisoned by the practice of country-specific resolutions. Belarus condemned the practice, which damaged international dialogue on human rights, and, as it was used for purely political purposes, could not yield positive results. Some countries were still accusing others of human-rights violations even though they themselves were not blameless. The legal framework in Belarus for regulation of NGOs and the mass media, which had recently been criticized in the Committee, was largely based on legal provisions used in countries with solid democracies.

50. Belarus sought to encourage equitable and mutually respectful dialogue on human rights, and had demonstrated its commitment to cooperate in protecting human rights. Major challenges were looming as the Committee neared the stage of taking action on human-rights proposals. It was highly important to maintain a constructive approach and to prevent politicization and double standards.

51. **Mr. Rodas Suárez** (Bolivia) said that his country's main long-term development objective was the eradication of poverty and all forms of social, political, cultural and economic marginalization and exclusion. The right to food was of particular importance, and priority had been placed on investments and strategies targeted to the most disadvantaged groups: women, indigenous people, the elderly, the rural population and the disabled.

52. Indigenous issues were also of great importance to his delegation, as was the adoption by the Human Rights Council of the Declaration on the Rights of Indigenous Peoples who faced particular difficulties regarding their social, economic and cultural rights. The increased participation of indigenous groups in political decision-making and international organizations was an encouraging sign.

53. Bolivia was promoting agricultural and rural development as a reflection of its ethnic diversity and as a means of recovering traditional local cultures and consolidating national identity. A framework for international protection of traditional knowledge and intellectual property rights was also important, so that the benefits from that knowledge could be distributed equitably.

54. **Mr. Panahiazar** (Islamic Republic of Iran) said that sadly, it was the long-standing practice of a few countries to use the discussion on human rights as an exercise in fault-finding, naming and blaming rather than a vehicle for understanding and the promotion and protection of human rights. Those States tended to divide the world into two opposing blocs: human-rights claimants and human-rights defendants.

55. All countries faced a variety of challenges and impediments in the fulfilment of their human-rights obligations, and none could claim a perfect record. Thus, all States were equally accountable to the collective conscience of the international community.

56. The aggressive policies adopted by certain Western countries on the one hand disregarded gross violations in areas directly or indirectly under their influence, while on the other, unjustly criticized countries not considered allies. The appalling situation at Guantánamo Bay, the disclosure of torture in Iraqi prisons by occupying forces, the existence of secret detention centres in Europe and the inhumane treatment of the Palestinian people by the Israeli regime were but a few examples of gross violations of

human rights committed by the self-proclaimed champions of human rights. Discrimination on the basis of religion and ethnic origin had been on the rise in many Western countries in the past several years. Muslims and certain ethnic minorities were subject to discrimination and targeting by police and security agents because they were unfairly branded as extremist. The same pattern of rights violations was being displayed in Canada, where there was grave concern over the situation of individuals in pre-trial detention, and indigenous women and girls continued to suffer discrimination and violence.

57. The international community should pay attention to human-rights situations in all parts of the world. The time had come to end the practice of overlooking the situation in the West, where the rights of certain segments of society, particularly minorities and immigrants, were systematically infringed. Human-rights issues must be approached in a cooperative and constructive way. The policy of confrontation and finger-pointing had thus far failed to achieve the objective of promoting and protecting human rights.

58. **Ms. Tchitanava** (Georgia) said that the priorities for her Government in the promotion and protection of human rights were reform of the judicial, law-enforcement and prison systems and review of national legislation to bring it into line with international human-rights standards. Another priority was combating corruption among public officials, many of whom had been tried and sentenced for corruption. Further efforts to promote human rights included adoption of a law against human trafficking and measures to combat religious intolerance.

59. Georgia had also made efforts towards further integration of minorities and their greater participation in all aspects of its national life. It had ratified the Council of Europe Framework Convention for the Protection of National Minorities and was in the process of ratifying the European Charter for Regional or Minority Languages. However, the human rights of Georgians living in the Russian Federation were being violated, and her delegation once again called on the Russian Federation and the international community as a whole to protect the rights of Georgian migrants.

60. Discussion of the human-rights situation in Georgia would not be complete without addressing the situation in the Tskhinvali region, South Ossetia and Abkhazia, where ethnic cleansing and genocide had been directed against Georgians. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Representative of the Secretary-General on the human rights of internally displaced persons had recently visited those areas, and had urged the de facto authorities in Abkhazia to refrain from adopting measures incompatible with international human-rights standards, including discriminatory laws regarding the acquisition of citizenship, to admit United Nations civilian police without delay and to cooperate with the establishment of an international human-rights office in Gali. The human-rights office established in 1999 in Sokhumi had not yet achieved tangible results. Furthermore, the separatist regime had banned Georgian as the language of instruction in schools. Strong action by the international community was of the utmost importance in addressing those issues.

61. **Ms. Olivera** (Mexico) said that her delegation saw the establishment of the Human Rights Council as a major step, and trusted in the constructive spirit and sense of renewal with which it had begun to overcome the inertia of the former Commission on Human Rights. At the current formative stage, it was essential to use innovative methods and show the political commitment to give the Council the tools it needed to fulfil its mandate. The division of labour between the Council and the Third Committee should be discussed as soon as possible, in order to avoid duplication. Her delegation also welcomed the progress in the development of the international legal framework for human rights through the adoption of a number of international instruments.

62. It was concerned, however, at initiatives which placed the security agenda above the human-rights agenda, as though respect for human-rights instruments could be dictated by circumstances. Observance of human-rights guarantees, including due process and international humanitarian law, were an essential tool in combating threats to international peace and security. Abandoning human-rights guarantees in the name of combating terrorism would clear the way for further strengthening of terrorist cells and extremist groups. Her delegation thus welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy by the General Assembly, which took an integral approach to the commitment of the international community to combat terrorism while respecting obligations under international law.

63. During the High-level Dialogue on International Migration and Development held at Headquarters in September 2006, it had been acknowledged once again that international migration, development and human rights were intrinsically related. Respect for the human rights of migrants and their families, independent of their migrant status, was an obligation of all States under international human-rights law. Her Government therefore reaffirmed that all policies and actions related to migration, including security and border control, should place priority on the rights of the migrant as an individual.

64. **Mr. Cabral** (Guinea-Bissau) said that human rights were the concern of all Member States, and were enshrined in the Charter of the United Nations. The current debate on the situation of human rights in various countries was promising, as it demonstrated that there was no single way to address the protection of human rights and that a holistic approach, along with increased focus on the right to development and civil and political rights, was needed.

65. He regretted that members of the Committee had criticized each other's human-rights practices, rather than sharing their visions. In his view, there was too much duplication of effort with other instances, especially the Human Rights Council, and serious discussion on a more effective division of labour was needed.

66. According to its means, each country needed mechanisms to develop its concept of human rights, from non-governmental organizations to human-rights defenders to Government agencies. Human rights should be defended everywhere, both North and South alike, and it was wrong to set lower expectations for developing countries in that area. Human rights were the affair of every country without excuse, and it was difficult to build democracy without respect for human rights.

67. **Mr. Belinga Eboutou** (Cameroon) noted that, since it was being held shortly after the creation of the Human Rights Council, the current meeting was of particular significance. It would allow the Committee to observe the first steps taken by a body that embodied the hopes of the international community for enhanced protection of human rights. In that respect, the adoption by the Council of the International Convention for the Protection of All Persons from Enforced Disappearance and of the United Nations Declaration on the Rights of Indigenous Peoples was a hopeful sign. Cameroon welcomed those developments, as it also welcomed completion of the drafting of the International Convention on the Rights of Persons with Disabilities.

68. However, much remained to be done. Despite the recent progress in terms of adoption of the various international legal instruments on human rights, the implementation of the principles and objectives enshrined in them depended on the countries' capacity to establish the necessary economic, social and cultural conditions.

69. More attention should be paid to the right to development. Defined as an inalienable right of mankind, by virtue of which every human being had the right to participate in and contribute to economic, social, cultural and political development, the right to development embodied the three fundamental rights, namely to food, to education and to health. There were grounds for hope in the adoption by the High Commissioner for Human Rights of a Plan of Action aimed at enhanced promotion of human rights, including the right to development.

70. Also welcome was the Multilateral Debt Relief Initiative (MDRI), put forward by the Group of Eight industrialized nations during the summer of 2005, which proposed cancellation of all the debts of the most indebted countries owed to the International Monetary Fund, the International Development Association and the African Development Bank, in order to help those countries reach the Millennium Development Goals. Additional debt-relief programmes should be put in place by the multilateral institutions that were not part of the MDRI. Furthermore, initiatives to find a durable solution to the problems of bilateral and commercial indebtedness should be taken, as had been recommended by the report of the Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (A/61/464). It was also undeniable that a more favourable trade system, based on a worldwide partnership for development, would ensure the effective promotion of all human rights.

71. The adoption in 2005 by Cameroon of a Code of Criminal Procedure formed part of the country's ongoing efforts to apply international rules on the protection and promotion of human rights. Particular

procedures were also planned for the most vulnerable strata of society.

72. In the pursuit of its efforts, Cameroon was pleased to know that it could count on the assistance of the international community, in particular the Office of the United Nations High Commissioner for Human Rights. It was also grateful for the assistance from the United Nations Development Programme and the Subregional Centre for Human Rights and Democracy in Central Africa in the drafting of the Government's first report on the human-rights situation in Cameroon in 2005. The Centre had also assisted the National Commission on Human Rights and Liberties in drawing up teaching materials on human rights. Cameroon was grateful to France, Germany, Italy, the Netherlands and the United States for their financial support to the Centre, as well as to the Member States which had supported the draft resolution on its activities, adopted every year without a vote. He hoped that the Centre could count on their continued support.

73. The Committee would shortly be considering the first report of the Human Rights Council. That would be the ideal time for a thorough review of the monitoring system for international human-rights treaties. Complex monitoring mechanisms had been established over the years, and an examination of their operation would reveal overlaps and inconsistencies which lessened their effectiveness. Under the various conventions, the Member States were required to submit periodic reports to different committees, with the result that Government human-rights bodies spent their time writing reports, all dealing with broadly the same subjects, rather than actually implementing human-rights measures.

74. He suggested instead the introduction of a system under which States would submit a comprehensive report, covering all of the international human-rights treaties. That would not only reduce the workload but would also give a unity of approach that would help the Human Rights Council meet the expectations vested in it to assist the United Nations in the pursuit of its human-rights activities.

75. **Ms. Filip** (Observer for the Inter-Parliamentary Union (IPU)) said that the 2006 annual seminar of IPU for members of parliamentary human-rights bodies had dealt with the role of parliaments and their members in ensuring due administration of justice, a question that had taken on particular importance in the context of the fight against terrorism.

76. In addressing the problem of torture, participants had noted that the absolute prohibition of torture had been increasingly called into question in recent years and practices had been put into place by some States which actually circumvented it, through legislation that allowed some measure of torture for the sake of security. Such practices were deemed unacceptable. If parliaments were to protect democracy, they must guarantee respect for certain non-negotiable principles, one of which was the prohibition of torture. It should be defined as a crime in the criminal codes of all countries, appropriate punishment should be meted out to torturers and those who ordered it, and testimony obtained under duress should not be used as evidence in court. A well-trained police force did not need to resort to torture to obtain information, and parliaments should ensure that resources were provided for appropriate training of police.

77. Detention and imprisonment raised another important issue. Detainees and prisoners retained all human rights except their right to liberty, and the primary purpose of punishment should be rehabilitation. Unfortunately, conditions of detention and imprisonment in the majority of countries were such that it was difficult to attain that objective. Administrative detention was increasingly used by States to tackle the problem of migration. Receiving States tended to consider asylum-seekers and migrants as potential criminals and treated them accordingly, with the result that the most needy and vulnerable were the ones receiving the least assistance.

78. The fight against terrorism had also resulted in the erosion of essential fair-trial guarantees as enshrined in article 14 of the International Covenant on Civil and Political Rights. Of course, only an independent judiciary would ensure that justice was done and seen to be done, but all too often it was subservient to the executive branch, and in addition, corruption was widespread. Parliaments could not stand idly by under the pretext of separation of powers, when in fact their role was crucial in order to ensure an independent and impartial judiciary, as well as implementation of fair-trial guarantees.

79. Even the best laws were worthless if not implemented. The oversight function of parliaments gave them the power to question executive and

administrative authorities if they suspected abuses of due process of law. The principle of separation of powers was a system of checks and balances, and parliaments had the duty to ensure that the laws were properly implemented.

80. **Mr. Saeed** (Sudan), speaking in exercise of the right of reply, said that the delegations of Canada and New Zealand were once again reverting to their practice of talking without justification about the situation in Darfur, taking an approach which betrayed prejudice, not simply misunderstanding, and which deliberately tried to subvert the nascent peace agreement concluded in Abuja, in a purely African process, with the support of the international community and the endorsement and resolve of all Sudanese people.

81. Making references to the Security Council and to draft resolutions of the Third Committee indicated politicization and deliberate ill will. The two States in question were not members of the Security Council, but were simply expressing a political agenda, echoing the views of other States whose identity was well known. The position of the Sudan on Security Council resolution 1706 (2006) was perfectly clear, and the current meeting was not the place to speak of that resolution.

82. The Government of the Sudan had bravely acknowledged that it was facing a crisis in Darfur, arising out of a dispute over resources, which had evolved into a military conflict. The Government had not stopped at acknowledgement of the problem, but had expressed strong resolve to deal with it. The peace accord signed in Abuja had been the culmination of those efforts. Rather than support from the international community, rather than any attempt to bring pressure on the factions that had failed to sign the peace accord, the Sudan was encountering positions such as those of Canada and New Zealand, that could only be described as attempting to undermine peace.

83. The situation of human rights in Canada and New Zealand, and those countries' long history of support for slavery and apartheid, as well as the tragic situation of their indigenous peoples and migrants, were well known. The Sudan challenged Canada and New Zealand to show courage just once, by including in their statement a report on the conditions of their indigenous populations and migrants. They should also report on the emergence of Islamophobia in their countries, and on the growing hostility to freedom of religion.

84. The Government and people of the Sudan recognized their enemies, but would not allow them to subvert the search for peace in the Sudan, which was desired by the noble Sudanese people in their entirety.

85. **Mr. Cumberbatch Miguén** (Cuba), speaking in exercise of the right of reply, observed that myopia seemed to be the prevailing disease among those who were attending the meeting in order to make petulant speeches on the human-rights situations in countries other than their own. The strong tinge of racism and racial supremacy that marked some speeches was shameful. In the case of Canada, it was striking that, in all of its long list of offences committed, there was not a single reference to any of the violations, of many different kinds, being committed very close to its southern border. Instead, Canada chose to monitor events occurring thousands of kilometres distant. Where was its concern for the acts of torture committed by its imperial neighbour, or for the new laws passed in order to legalize torture and to condone abuses against illegal immigrants?

86. If the human-rights record of Canada was so clean, it was worth asking why the country had opposed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, given that it was well known that the indigenous population of Canada was in a precarious situation: systematically excluded from the benefits of economic exploitation of the resources on ancestral lands, and faced with the exclusive choices of assimilation on the one hand or poverty, alcoholism and marginalization on the other. Representatives of indigenous peoples continued to press for self-government and for hunting and fishing rights on their ancient lands, but all they obtained from the Government of Canada was harassment by the police, who in some cases forcible removed the representatives from their population centres and left them to their fate, a fate which might well be death from hypothermia. Overrepresented in the prison population, and underrepresented in the labour force, the indigenous peoples of Canada were facing dire and worsening poverty.

87. Nor did the country lack groups of extremists, sowing racial or ethnic hatred. The country was an accomplice in the warlike adventures of its imperial neighbour, that committed flagrant violations of human

rights on the pretexts of the fight against terrorism and the responsibility to protect the security of its population.

88. Cuba, strengthened by its long years of freedom and democracy and its long years of struggle against imperialism and its accomplices, would never give up its independence, and did not need hypocritical lessons on human rights and democracy from Canada and the like. The defamation of the Cuban revolution, the policy of blockade against the country, and the attempt to intimidate Cuba demonstrated that manipulation of cooperation in the area of human rights was turning the debate on the topic into a tool of domination.

89. **Mr. Shinyo** (Japan), speaking in exercise of the right of reply, said that, whereas the delegate of the Democratic People's Republic of Korea had said earlier that the issue of the abduction of Japanese citizens was settled and not a pending issue, the Government of Japan could not and would not accept such an assertion. A considerable number of Japanese citizens had still not yet returned to Japan. The abductions were thus still an ongoing issue, and a most serious violation of human rights directly affecting the lives and security of many people. It was a matter of international concern, not simply a Japanese matter, since it had been revealed that citizens of other countries had also been abducted. The Special Rapporteur on the situation of human rights in North Korea had also mentioned that point a few days earlier.

90. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea), speaking on a point of order, said that the name of his country should be given correctly.

91. **Mr. Shinyo** (Japan), continuing, said that further evidence that the matter was one of international concern was shown by the General Assembly's adoption of a resolution on the human-rights situation in the Democratic People's Republic of Korea in December 2005. Furthermore, at the Summit of the Group of Eight, the chair's summary had included the phrase: "We also urge the DPRK to respond to other security and humanitarian concerns of the international community, including early resolution of the abduction issue." That indicated that the abduction issue was a grave violation of human rights and of concern to the entire international community. Furthermore, the Security Council had adopted resolution 1718 (2006) of 14 October, immediately after the announcement of a nuclear test by the Democratic People's Republic of Korea, one preambular paragraph of which stated: "Underlining the importance that the DPRK respond to other security and humanitarian concerns of the international community".

92. As for the fate of the abduction victims, no satisfactory explanation had been provided by the authorities of the Democratic People's Republic. Japan strongly urged it to revise the response it had given to inquiries into the matter, to admit that its actions had been a violation of human rights, to let the survivors return to Japan or to other countries without delay, to carry out a thorough investigation into the matter and to surrender the criminals who had perpetrated the abductions.

93. The numbers that the representative of the Democratic People's Republic of Korea had mentioned with regard to the issue of the so-called comfort women during the Second World War were greatly exaggerated, and Japan could not accept them. The issue of recognition of the historical past on the one hand and that of the abductions, a clear violation of human rights and an ongoing concern, on the other, existed in two separate dimensions, and no attempt should be made to link them. Such a confusion of issues could never serve as justification or excuse for the abductions, and Japan categorically rejected such an argument.

94. **Ms. Mariam** (Ethiopia), speaking in exercise of the right of reply, said she wished to refute the baseless allegations against her country by Canada. Ethiopia was fully committed to the promotion and protection of human rights, in accordance with its Constitution and international obligations. Since the demise of the military regime, the country had made significant progress in the establishment of a democratic order in which a multitude of parties could compete for seats in the regional and national legislative organs. The abolition of censorship and guarantees of the freedom of expression had led to a flourishing private press. Additionally, numerous local and international NGOs were active in the promotion of human rights.

95. Persons accused of crimes were brought before the courts, in full enjoyment of their rights, due process and guarantees. With regard to the recent arrest and ongoing trial of persons accused of being involved in a violent attempt to overthrow the constitutional order, Ethiopia had already presented to the Committee the circumstances leading to their arrest. Their trial was

being conducted in full compliance with the national and international obligations of Ethiopia, and was being observed by members of the detainees' families, by the diplomatic community and by local and international journalists and experts. It was thus evident that the allegations by Canada were without any foundation.

96. **Mr. Vohidov** (Uzbekistan), speaking in exercise of the right of reply, said he wished to comment on the statement made by Canada on the situation in Uzbekistan. There were two points at issue: firstly the remarks made on the violent repression of protesters in Uzbekistan, and secondly the related reference to the need for freedom of expression and the right of peaceful assembly. As in the corresponding meeting one year earlier, the attempt was being made to describe the events in Andijan as a peaceful demonstration, ignoring the fact that dozens of people had been killed by those arms-bearing so-called peaceful demonstrators. The victims had included dozens of police officers, military personnel and hostages. In 2005, those making the allegations had succeeded, and the Third Committee had adopted a draft resolution expressing concern at the situation of the so-called refugees from the events in Andijan.

97. At the present time, Canada was repeating the same concerns, about refugees and asylum-seekers, but now the concern was not with those who had left the country, but with those who had voluntarily returned. As he had said a year previously, the people who had fled the country at that time had simply been misled. The Government and people of Uzbekistan had not had any problems with those people, considering it their personal choice whether or not to leave the country. Indeed, the Government had even given them financial assistance upon their leaving. The problem had simply been with 23 people freed by criminal elements from the Andijan prison where they had been serving sentences for crimes committed. Uzbekistan had quite lawfully requested the return of those people in order for them to be held accountable for their actions. Instead, those criminals had obtained refugee status. All the other people who had left the country, had received refugee status but had then been disillusioned were now returning. Uzbekistan had no problem with their wishing to return, but was not assisting them financially to do so.

98. Against that background, in a situation similar to that of the year before, there was now a demand for an international investigation of the situation of those former so-called refugees who had now returned. The year before, Uzbekistan had declared its readiness to investigate the events in cooperation with the international community, but the sponsors of the draft resolution had categorically refused that offer, simply demanding that Uzbekistan must accept a so-called independent investigation. Now once again there was a demand for an investigation into events occurring in Uzbekistan's sovereign territory. Uzbekistan was prepared to cooperate; it was not prepared to have such an investigation imposed upon it.

The meeting rose at 1.10 p.m.